



## Hawaiian Islands Humpback Whale National Marine Sanctuary

### RESOLUTION REQUESTING THE PREPARATION OF A WHALE AVOIDANCE POLICY FOR THE HAWAII INTERISLAND HIGHSPEED SUPERFERRY

**NON-GOVERNMENT**  
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*US Navy*

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*NMFS - Law Enforcement*

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*NWHI Reserve*

Jeffrey S. Walters, Ph.D.  
*DLNR - Aquatic Resources*

**WHEREAS**, Hawai'i Superferry is proposing to provide non-stop-roundtrip, ferry service daily between the islands of Hawai'i, Kaua'i, Maui, and O'ahu commencing in the year 2007; and

**WHEREAS**, Hawai'i Superferry intends to provide an efficient, environmentally friendly, state-of-the-art, ferry service for passengers and vehicles between the islands at approximately half the price of flying; and

**WHEREAS**, it is expected that this system will expand Hawai'i's transportation infrastructure and economy by further lowering the cost of travel and shipment of goods and agricultural products; and

**WHEREAS**, although this service promises many benefits to residents and visitors alike, it will also impact Hawai'i's land and marine environment, existing State harbors and infrastructure, and the visitor and shipping industries; and

**WHEREAS**, the waters of the State of Hawai'i are the largest known breeding ground for the North Pacific population of humpback whales, and Hawai'i is the only state in the United States where endangered humpback whales come to breed, calve and nurse their young; and

**WHEREAS**, approximately 5,000 to 7,000 humpback whales annually utilize the waters around Hawaii from September through June; and

**WHEREAS**, Congress established the Hawaiian Island Humpback Whale National Marine Sanctuary (Sanctuary) in 1992 to protect endangered humpback whales and their habitat in Hawai'i; and

**WHEREAS**, the Sanctuary, which encompasses over 1,400 square nautical miles across all the main Hawaiian Islands, is one of the largest national marine sanctuaries in the country; and

**WHEREAS**, in 1997, the National Oceanic and Atmospheric Administration (NOAA) and the State of Hawai'i entered into a compact agreement for the coordinated management (co-management) of the Sanctuary, through which the State of Hawai'i is considered an equal partner in the oversight of sanctuary operations; and

**WHEREAS**, the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council (Council), which is made up of 31 volunteers representing a wide variety of geographical and public/private interests, has been formed to advise the Secretary of Commerce and Sanctuary management in implementing the sanctuary management plan; and

**WHEREAS**, the Sanctuary has provided more than \$ 200,000 in research funding for Hawaii-based humpback whale research projects, including investigations into the health status of humpback whales; and

**WHEREAS**, the Sanctuary has made significant strides in the areas of whale rescue and disentanglement as well as vessel collision and avoidance; and



**WHEREAS**, the potential for untoward interactions between humpback whales and vessels increases with travel speed and during situations when visibility conditions are poor; and

**WHEREAS**, the proposed superferry will be traveling over Sanctuary waters year-round at high speeds, possibly at night and during other conditions when surface visibility are poor; and

**WHEREAS**, the Council's Whale-Vessel Collision Avoidance Working Group has concerns that operating an interisland high-speed (over 25 knots) superferry in Hawai'i waters could affect some of Hawai'i's humpback whales;

**WHEREAS**, there is heightened public sensitivity and awareness toward ocean-based projects and activities that affect humpback whales and their habitat; now therefore

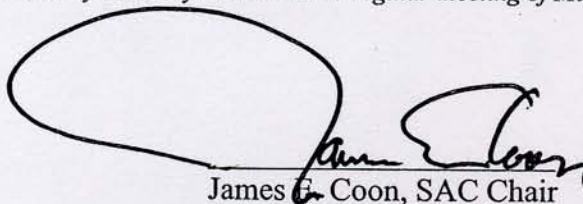
**BE IT RESOLVED** that the Sanctuary Advisory Council of the Hawaiian Islands Humpback Whale National Marine Sanctuary requests Hawai'i Superferry to voluntarily prepare a whale avoidance policy on the operation of proposed high-speed superferry while traversing Hawai'i waters; and

**BE IT FURTHER RESOLVED** that the whale avoidance policy include the potential impacts of the superferry on Hawaii's humpback whales; proposed preventive and mitigating measures; and proposed protocols to implement, monitor, and report whale-vessel interactions; and

**BE IT FURTHER RESOLVED** that a draft whale avoidance policy be submitted to the Sanctuary Advisory Council no later than May 5, 2005, and a final whale avoidance policy be completed and shared with the general public 6 months prior to the initiation of superferry service in 2007; and

**BE IT FINALLY RESOLVED** that copies of this resolution be transmitted to the Secretary of Commerce; the NOAA Under Secretary for Oceans and Atmosphere; the Hawai'i Congressional Delegation; appropriate transportation, environmental and ocean committees of the Hawai'i State Legislature; Governor Linda Lingle; the Director of the State Department of Transportation; the Director of the State Department of Land and Natural Resources; the Director of the State Department of Health; the Director of the State Department of Business, Economic Development and Tourism; the Chairperson of the Office of Hawaiian Affairs; the Director of the State Office of Planning; the Director of the Office of Environmental Quality Control; the Executive Director of the Marine Mammal Commission; the Director of the National Marine Fisheries Service; members of the Hawai'i State legislature; all County Mayors and County Council Chairs; John Garibaldi, CEO, Hawai'i Superferry; Tom Dick, Founder and Chairman, Hawai'i Superferry; and Greg Metcalk, CEO, Austral USA.

*Adopted by the Sanctuary Advisory Council at its regular meeting of March 17, 2005 by a vote of 14-0-2.*



James E. Coon, SAC Chair